

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

227180

DATE OF REPORT (DAY-MO.-YEAR)

23 Dec 96

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME Nicholas M. Williams				RANK P.O.	STAR NO. 4786	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 121
ADDRESS OF INCIDENT Medical Services Section				DATE OF INCIDENT Various Times 11 Apr 95/14 May 96		BEAT OF INCIDENT 1213		LOCATION CODE* 04
NAME 1. Carolyn Y. Tovar				RANK P.O.	STAR NO. 4748	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 175
2.								
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE†	
	1.F/B	[REDACTED] 66	29 Jun 92		<input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	2.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	IF APPLICABLE * DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH		DISPOSITION & DATE	
1.								
2.								
COMPLAINANTS	NAME		*ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	Barbara Hemmerling		Unit 123 EMP# [REDACTED] Admin. Medical Services Sec.		PAX 4262	F/W	[REDACTED] 45	PHYS. COND. CODE† 01
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	Same As Above							PHYS. COND. CODE† 01
WITNESSES	NAME		*ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	Dona Kowalkowski		Unit 123 EMP# [REDACTED] Clerk 4 Medical Services Sec.		PAX 4262	F/W	[REDACTED] 55	PHYS. COND. CODE† 01

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS The original complaint was obtained from Civilian Supervisor Barbara Hemmerling, Unit 123 by Supervisor James Lopez # 102, Office of Professional Standards, Unit 113, on 16 May 96 @ 1630hrs and duly registered at that time.

It is alleged by Ms. Barbara Hemmerling, Civilian Supervisor, Medical Services Section that Police Officer Carolyn Tovar # 4748, Unit 175, violated numerous Medical Roll procedures at various dates and times from 11 Apr 95 through 14 May 96 inclusive.

I.A.D. LOCATION CODES\*

- |                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

- |   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

\* \* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).

In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

Investigation reveals that based on Medical Services Section records reviewed by Administrator Barbara Hemmerling and which were the basis for the original complaint, forty (40) separate incidents were noted as being possible Medical Roll Abuse. Of those forty (40) only eight (8) allegations were formally lodged against the accused, based on the probability of sufficient evidence to make a determination regarding the validity of the allegations. The accused, during and subsequent to her formal statement of 06 Nov 96, provided evidence and a witness who could corroborate her assertion that the allegations were unfounded. The witness, Ms. Dona Kowalkowski, during the course of her interview of 11 Dec 96, was able to provide documentation from the official Medical Services Section file of the accused which proves that medical documentation from the medical provider of the accused was submitted for the dates in question, although in some instances these documents were not tendered to MSS on or directly after the alleged infraction. There is evidence that supports the allegations that the accused failed to either report to or call the MSS on the dates she was ordered. There is no way to properly determine the validity of the documents, the actual date they were prepared or their real origin, which would be beyond the investigative purview and scope of the undersigned. Several of the aforementioned documents were written to cover a time period of approximately four (4) months, but were all allegedly written by the care provider as much as thirty (30) days before the date in question and were all allegedly written within one (1) day of each other.

ATTACHMENTS

INVESTIGATIVE REPORTS—  
SUPPORTING ALLEGATION  
LIST ATTACHMENT NUMBERS

INVESTIGATIVE REPORTS—  
SUPPORTING ACCUSED MEMBER(S)  
LIST ATTACHMENT NUMBERS

PHYSICAL EVIDENCE  
LIST ATTACHMENT NUMBERS

TOTAL NUMBER OF ATTACHMENTS  
SUBMITTED WITH THIS FILE

26

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

FINDINGS—RECOMMENDATIONS

FINDINGS:

See Page ii

RECOMMENDATIONS:

See Page iii

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION) 17 May 96

DATE COMPLETED  
(DATE OF THIS  
REPORT) 23 Dec 96

ELAPSED TIME  
(TOTAL TIME,  
EXPRESSED IN DAYS) 221

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11" SHEET

SUBJECT:

SUMMARY REPORT DIGEST  
REFERENCE: C.R. # 227180

Page i

ALLEGATIONS

ALLEGATION # 1:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to provide required medical documentation regarding her Medical Roll status, as ordered and provided for in General Order 74-18D, III, B, 5, for the dates 11 Apr 95 through 10 Aug 95 inclusive.

ALLEGATION # 2:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to appear of call the Medical Services Section, when scheduled and ordered as provided in General Order 74-18D, III, B, 1 & 3, on 01 Apr 96.

ALLEGATION # 3:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to appear or call the Medical Services Section, when scheduled and ordered as provided in General Order 74-18D, III, B, 1 & 3, on 02 Apr 96.

ALLEGATION # 4:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to provide required medical documentation regarding her Medical Roll status, as ordered and provided for in General Order 74-18D, III, B, 5, on 17 Apr 96.

ALLEGATION # 5:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to appear or call the Medical Services Section, when scheduled and ordered as provided in General Order 74-18D, B, 1 & 3, on 29 Apr 96.

ALLEGATION # 6:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to provide required medical documentation regarding her Medical Roll status, as ordered and provided for in General Order 74-18D, B, 5, on 06 May 96.

(Continued)

SUBJECT:

SUMMARY DIGEST REPORT  
REFERENCE: C.R. # 227180

Page ii

ALLEGATIONS (Continued)

ALLEGATION # 7:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to appear or call the Medical Services Section, when scheduled and ordered as provided in General Order 74-18D, III, B, 1 & 3, on 13 May 96.

ALLEGATION # 8:

It is alleged by Ms. Barbara Hemmerling, Assistant Medical Administrator, Medical Services Section, that Police Officer Carolyn Tovar # 4748, failed to provide required documentation regarding her Medical Roll status, as ordered and provided for in General Order 74-18D, III, B, 5, on 14 May 96.

FINDINGS

ALLEGATION 1: NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegations.

ALLEGATION 2: SUSTAINED. Violation of Rule 24, in that on 01 Apr 96 Police Officer Carolyn Tovar # 4748, failed to appear or call the Medical Services Section, when scheduled and ordered in violation of General Order 74-18D, III, B, 1 & 3.

ALLEGATION 3: NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegation.

ALLEGATION 4: UNFOUNDED. The allegation is false or not factual.

ALLEGATION 5: EXONERATED. The incident occurred but was lawful and proper.

ALLEGATION 6: NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegation.

ALLEGATION 7: SUSTAINED. Violation of Rule 24, in that on 13 May 96 Police Officer Carolyn Tovar # 4748, failed to appear or call the Medical Services Section, when scheduled and ordered in violation of General Order 74-18D, III, B, 3.

ALLEGATION 8: NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegation.  
(Continued)

SUBJECT:

SUMMARY REPORT DIGEST

Page iii

REFERENCE: C.R. # 227180

RECOMMENDATIONS

With consideration given to the complimentary and previous disciplinary records of the accused, the undersigned respectfully makes the following recommendations:

Accused: It is recommended that Police Officer Carolyn Y. Tovar # 4748, Unit 175, be given a five (5) day suspension.

EVIDENCE

Attachments:

1. Complaint Against Department Member
2. Fax Transmittal Sheet, dated 16 May 96.
3. To-From-Subject Report of Ms. Barbara Hemmerling, Assistant Medical Administrator, to Mr. Thomas Sadler, Director, Personnel Division, dated 16 May 96.
4. Report/Evidence submitted by Ms. Barbara Hemmerling, Assistant Medical Administrator, dated 15 May 96.
5. Medical Documentation/Return to Work Verification of Police Officer Carolyn Tovar, Accused, submitted by Ms. Barbara Hemmerling, Assistant Medical Administrator.
6. Selected History File Inquiry, Awards and Commendations, Employee Profile and Assignment Inquiry obtained from Personnel Division on 24 May 96.
7. 1995 Sworn Time and Attendance Record of Police Officer Carolyn Tovar # 4748, accused, obtained on 24 May 96.
8. 1996 Sworn Time and Attendance Record of Police Officer Carolyn Tovar # 4748, accused, obtained on 24 May 96.
9. Investigation Report - Initial of Police Officer Nicholas M. Williams # 4786, Internal Affairs Division, dated 31 May 96.
10. Routing Slip from Director, Personnel Division to Assistant Deputy Superintendent, Internal Affairs Division, dated 23 May 96.
11. Medical Services Section reports regarding Police Officer Carolyn Tovar # 4748, accused, dated 06 May, 14 May, 15 Apr and 03 Jul 96.
12. Medical Services Section Telephone and Sign-In Logs dated 01 Apr 96.

(Continued)

SUBJECT:

SUMMARY REPORT DIGEST

Page iv

REFERENCE: C.R. # 227180

EVIDENCE

Attachments: (Continued)

13. Medical Services Section Telephone and Sign-In Logs dated 13 May 96.
14. Investigation Report - Update of Police Officer Nicholas M. Williams # 4786, Internal Affairs Division, dated 04 Oct 96.
15. District Assignment Schedule, 006th District, 10th Period, 3rd Watch, Page 19.
16. Request for Interview/Statement/Report for Police Officer Carolyn Tovar # 4748, Unit 176, dated 23 Oct 96 and related document.
17. Notification of Charges/Allegations, Administrative Proceedings Rights and Waiver of Counsel/Request to Secure Counsel for Police Officer Carolyn Tovar # 4748, dated 25 Oct 96.
18. Notification of Charges/Allegations, Administrative Proceedings Rights and Waiver of Counsel/Request to Secure Counsel for Police Officer Carolyn Tovar # 4748, dated 06 Nov 96.
19. Statement of Police Officer Carolyn Tovar # 4748, obtained/dated 06 Nov 96.
20. To-From-Subject Report of Police Officer Carolyn Tovar # 4748 and related medical documentation, dated 21 Nov 96.
21. Medical Documentation and Medical Services Section documents of Police Officer Carolyn Tovar # 4748, accused, obtained from Ms. Dona Kowalkowski, Clerk 4, Medical Services Section on 11 Dec 96.
22. Excerpts of Evidence Report submitted by Ms. Barbara Hemmerling, Assistant Medical Administrator, Pages 2, 3, and 4 - Highlighted/Dated sections.
23. Interview of Ms. Dona Kowalkowski, Witness, Clerk 4, Medical Services Section, dated 12 Dec 96.
24. Complementary History of Police Officer Carolyn Tovar # 4748, Unit 376, dated 13 Dec 96.
25. Previous Disciplinary Record and related documents of Police Officer Carolyn Tovar # 4748, dated 13 Dec 96.
26. General Order 74-18D, Highlighted Sections: I, D; III, B, 1, b; III, B, 3, III, B, 5; III, B, 10, VIII, c.